

IC 14-24-8

Chapter 8. Apiaries

IC 14-24-8-1

Examinations

Sec. 1. The division may examine an apiary in Indiana to determine if a pest or pathogen is present.

As added by P.L.1-1995, SEC.17.

IC 14-24-8-2

Notice to destroy pests or pathogens

Sec. 2. (a) If a pest or pathogen is discovered as a result of an inspection under this chapter, the division shall provide a written notice of the discovery to the person that owns or controls the apiary.

(b) The notice must include the following:

(1) A description of the action needed to destroy or control the pest or pathogen.

(2) The date by which the action must be taken.

(c) The notice may provide that bees may not be sold or transported from the apiary until the pest or pathogen is successfully treated. The notice may require that bees shall be transferred to movable frame hives within a specified time and that, if the transfer is not performed as specified, the division director may order the destruction of all hives and bees dwelling in the hives.

(d) A written notice issued under this section is effective when served. A person who is aggrieved by the notice may request administrative review under IC 4-21.5-3-6. In addition, an aggrieved person may seek temporary relief from the notice under IC 4-21.5-4. Unless otherwise agreed by the parties, a hearing on temporary relief must be conducted within five (5) days of receipt of the hearing request in the county where the apiary is located.

As added by P.L.1-1995, SEC.17.

IC 14-24-8-3

Notices of violation

Sec. 3. (a) The division may issue a notice of violation to a person against whom a written notice is directed under section 2 of this chapter if the person does not:

(1) comply with the directives contained in the notice; or

(2) request a hearing under section 2(d) of this chapter.

This subsection does not preclude the issuance of a notice of violation if the department receives a final determination in the department's favor from the review of a written notice issued under section 2 of this chapter.

(b) A notice of violation under subsection (a) may be accompanied by a civil penalty of not more than five hundred dollars (\$500) for each day a violation continues.

(c) A notice of violation and penalty issued under this section is subject to IC 4-21.5-3-6.

As added by P.L.1-1995, SEC.17.

IC 14-24-8-4

Imported beekeeping elements

Sec. 4. (a) A beekeeper may not ship or bring elements of beekeeping into Indiana from another state or country unless the elements of beekeeping are accompanied by a permit issued by the division under this section.

(b) An application for a permit to ship elements of beekeeping into Indiana from another state or country must be on a commission form and accompanied by a certificate from the place of origin. The certificate must state that the following conditions have been met:

(1) The apiary from which elements of beekeeping, except queens and combless bees, are to be shipped was inspected not more than thirty (30) days before shipment.

(2) The apiary from which the queens or combless bees are to be shipped into Indiana was inspected not more than sixty (60) days before shipment.

(3) The inspection took place during active brood rearing and was found free of pests and pathogens.

(c) The permit application must state the approximate date of proposed entry into Indiana and the final destination of the shipment.

(d) The division may enter a written order for the removal of elements of beekeeping shipped into Indiana in violation of this section. A person in charge or in possession of property described in the order shall comply with the order as soon as practicable and not later than five (5) days after service.

(e) The division shall destroy elements of beekeeping shipped into Indiana that contain a pest or pathogen.

As added by P.L.1-1995, SEC.17.

IC 14-24-8-5

Noncompliance with order to destroy pests or pathogens

Sec. 5. (a) If a person in charge or in possession of elements of beekeeping does not carry out an order issued under:

(1) this chapter; or

(2) IC 14-7-8 (before its repeal);

the department may proceed to treat or destroy the elements of beekeeping that contain a pest or pathogen.

(b) The division director shall certify the expense incurred by the department to the county auditor of the county where the property is located. The county auditor shall place the certified amount upon the tax duplicate. The amount shall be collected at the same time and in the same manner that state and county taxes are collected and paid over to the department.

As added by P.L.1-1995, SEC.17.